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May 31, 2013

Via E-Mail

Honorable Judge Jesse M. Furman
 United States District Court
 Southern District of New York
 500 Pearl Street, Room 630
 New York, New York 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 5/31/2013

*Re: Pla, et al. v. Renaissance Equity Holdings, LLC, et al.,
 12 Civ. 5268 (JMF)*

Dear Judge Furman:

I am writing in response to the May 29, 2013 endorsed letter submitted by Plaintiffs' counsel in the above-referenced matter. With respect to Plaintiffs' request to supplement its motion for reconsideration, Defendants believe this request for the opportunity to reply at this point is improper as Plaintiffs are in essence seeking a third bite of the apple to address issues they did not address in their initial motion papers. Nevertheless, Defendants request the ability to supplement their reconsideration motion papers with deposition transcript pages as well since Plaintiffs testified at those depositions that they could not articulate whether they were owed any money in excess of the offer of judgment.

Further, at the May 9th conference in this matter, Your Honor ordered the parties to submit a joint collective action notice. Plaintiffs' counsel has requested two extensions to submit such order. Yet, to date Plaintiffs still have not forwarded Defendants' counsel a proposed notice to review, even though Defendants' counsel has requested a draft of such notice as recently as yesterday. Given that the Court graciously extended the time to submit such proposed notice to the Court to today, and Defendants have still not had an opportunity to review the proposed notice, Defendants request a reasonable time to review such notice and submit any objections it may have.

Additionally, with respect to the briefing schedule related to Plaintiffs' anticipated motion for class certification, Your Honor granted Plaintiffs' second request for an adjournment until June 7, 2013 and required Defendants' opposition to be filed two weeks later on June 21, 2013. This extension unfortunately creates an issue as I will be out of the office from June 13th through 18th for family commitments. Accordingly, Defendants respectfully request an extra week to submit opposition to Plaintiffs' anticipated motion until June 28, 2013.

FRANKLIN, GRINGER & COHEN, P.C.
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Thank you for your consideration in this matter.

Respectfully submitted,

FRANKLIN, GRINGER & COHEN, P.C.



Joshua Marcus

cc: Peter J. Andrews, Esq. (via e-mail)

Defendants are granted leave to submit a supplemental memorandum, not to exceed three pages, with relevant deposition excerpts no later than June 7, 2013. Defendants are also granted until June 28, 2013 to file their opposition to the Rule 23 motion. Any reply shall be due on July 8, 2013.

With respect to the issue of the notice and order, plaintiffs shall submit their proposed order and notice to the Court today, per the deadline. The defendants are granted until Tuesday at 5 p.m. to advise the Court if they have any objections to the proposed order and notice.

SO ORDERED.



May 31, 2013